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April 22, 2024

BY ECF AND EMAIL

Honorable Katherine Polka Failla
U.S. District Court
Southern District of New York
40 Foley Square, Room 2013
New York, New York 10007
Failla_NYSDChambers@nysd.uscourts.gov

MEMO ENDORSED

**Re: *Nurture, LLC v. PBM Nutritionals, LLC*, Case No. 24-cv-02390-KPM - Request to
Extend Responsive Pleading Deadline and Adjourn Pretrial Conference**

Dear Judge Failla:

We write on behalf of defendant PBM Nutritionals, LLC d/b/a/ Perrigo Nutritionals (“Perrigo”) in the above-captioned proceeding to request, pursuant to §§ 2.B and 2.C of Your Honor’s Individual Rules of Practice in Civil Cases, an extension of time for Perrigo to respond to the Complaint. Based on the summons issuance date, Perrigo’s deadline to respond is currently April 24, 2024. Perrigo respectfully requests an additional thirty (30) days to respond, through and including May 24, 2024, given our firm’s recent retention and in order to thoroughly evaluate the issues set forth in the Complaint.

Relatedly, Perrigo also requests that the pretrial conference scheduled for June 7, 2024 be adjourned for approximately thirty (30) days until at least July 8, 2024, following Perrigo’s submission of a response to the Complaint. This is Perrigo’s first request to adjourn the pretrial conference. Perrigo makes this request to ensure that the pretrial conference and Rule 26(f) conference sequentially follows Perrigo’s responsive submission, as originally contemplated by the Court’s April 8, 2024 notice. *See* ECF No. 10.

We have conferred with Plaintiff’s counsel, and Plaintiff consents to both the extension of Perrigo’s time to file a responsive pleading and the adjournment of the pretrial conference.

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We appreciate the Court's consideration of these requests and are available should the Court have any questions.

Respectfully submitted,

/s/ Scott J. Bornstein

Scott J. Bornstein

cc: All counsel of record (*via ECF*)

Application GRANTED. Defendant in this case shall answer or otherwise respond to the complaint on or before **May 24, 2024**. The initial pre-trial conference ("IPTC") in this matter is hereby ADJOURNED to **July 17, 2024**, at **4:00 p.m.**

The Clerk of Court is directed to terminate the pending motion at docket number 17.

Dated: April 23, 2024
New York, New York

SO ORDERED.



HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE